

United States Court of Appeals for the Fifth Circuit

No. 25-10569
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 5, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JEREMY TODD GOINES,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:24-CR-22-1

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

Jeremy Todd Goines appeals his guilty plea conviction for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), for which he was sentenced to 78 months of imprisonment. He argues that the district court plainly erred by determining that his prior Texas robbery conviction under Texas Penal Code § 29.02 constituted a crime of violence

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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under the Sentencing Guidelines. He further argues that § 922(g)(1) is unconstitutional because it violates the Second Amendment and the Commerce Clause.

Because Goines did not raise his sentencing argument in the district court, review is for plain error. *United States v. Mondragon-Santiago*, 564 F.3d 357, 361 (5th Cir. 2009); *Puckett v. United States*, 556 U.S. 129, 135 (2009). In *United States v. Wickware*, 143 F.4th 670 (5th Cir. 2025), *cert. denied*, 2025 WL 3260271 (U.S. Nov. 24, 2025) (No. 25-5947), this court rejected an argument that Texas robbery no longer qualified as a crime of violence after the Sentencing Commission's amendment defining the enumerated offense of robbery. However, the *Wickware* decision did not address Goines's argument that the mens rea of the Texas robbery statute is broader than that of the enumerated offense of robbery. *Id.* at 674 n.2. Goines's argument fails under plain error review because he cannot identify an error that is clear or obvious. *See United States v. Rodriguez-Parra*, 581 F.3d 227, 230-31 (5th Cir. 2009).

Goines correctly concedes that his Second Amendment challenge to § 922(g)(1) is foreclosed. *See United States v. Diaz*, 116 F.4th 458, 467-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025). He is also correct that his Commerce Clause argument is foreclosed. *See United States v. Alcantar*, 733 F.3d 143, 145 (5th Cir. 2013); *United States v. Perryman*, 965 F.3d 424, 426 (5th Cir. 2020).

AFFIRMED.